

## REMARKS

Claims 19-36 are pending in the application. Claims 1-18 had been variously rejected under 35 U.S.C. §§ 103. Applicant cancels claims 1-18 without prejudice or disclaimer and adds claims 19-36. No new matter has been added to the claims or prosecution of this application. For at least the reasons stated below, Applicant asserts that all claims are now in condition for allowance.

### A. 35 U.S.C. § 103 Rejections

Claims 1-2, 5-6, 7-8, 11-12, 13-14 and 17-18 have been rejected under 35 U.S.C. § 103 as being unpatentable over *Webber* (US Patent 6,167,378) in view of *Agre* (US Patent 5,946,618). Claims 3-4, 9-10, 15-16 have been rejected under 35 U.S.C. § 103 as being unpatentable over *Webber* (US Patent 6,167,378) in view of *Agre* (US Patent 5,946,618) and further in view of *Walker* (US Patent 5,862,223). Applicant respectfully opposes these rejections. The cited references alone or in combination fail to teach or suggest all of Applicant's newly-added claims. MPEP 2143 provides in part, "To establish a prima facie case of obviousness...the prior art reference...must teach or suggest all the claim limitations." (emphasis added). Under *In Re Lee*, 61 USPQ2d 1430, there must be evidence of the showing of a suggestion, teaching or motivation to combine the state of the art including what might be considered basic knowledge or common sense to combine or modify references. No such suggestion is present here in any of the references cited by the Examiner. Applicant therefore respectfully requests that the Examiner's § 103 rejections be withdrawn.

Applicant's newly-added independent claims 19, 25 and 31 generally provide for supply chain/workflow services in a contract manufacturing framework, including the following elements:

- providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein each service provider data structure includes a description of services provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;
- identifying a particular data structure based on a request for proposal from a user utilizing the request for proposal

mechanism, wherein the user may be a service provider or a manufacturer;

affording network-based project management services to the user based on the request for proposal and the identified data structure, wherein affording project management services includes managing assets in the network-based supply chain, wherein managing assets includes optimizing use of service provider assets and manufacturer assets and providing maintenance and service of service provider assets and manufacturer assets.

Applicant's invention provides a mechanism for performing supply chain/workflow services for parties within a contract manufacturing framework. Applicant's invention may be used by either a service provider or a manufacturer, or both, to locate the other party to perform the operations needed.

Applicant's newly-added independent claims 19, 25 and 31 include elements not disclosed in any of the references cited in the Office Action. Applicant's claims disclose a database including a plurality of service provider data structures and a plurality of manufacturer data structures. Each service provider data structure includes a description of service provided by a particular service provider, and each manufacturer data structure includes a description of offerings of a particular manufacturer. The cited references only disclose that service provider data structures are stored in a database. Applicant's invention, on the other hand, provides that information on both service providers and manufacturers are stored in a database, such that a request for proposal submitted by either a service provider or a manufacturer will yield information concerning the party which they are seeking. Applicant's claims further disclose identifying a particular data structure based on a request for proposal from a user utilizing the request for proposal mechanism, wherein the user may be a service provider or a manufacturer. *Webber* only discloses that a party seeking a digital contract can submit a request and identify contracts. *Webber* does not disclose that any party to a contract manufacturing framework, whether a service provider or manufacturer, has the ability to submit a request for proposal and identify a particular data structure based on the request for proposal. Accordingly, none of the cited references teach these features of Applicant's amended claims.

Applicant's claims further disclose that affording project management services includes managing assets in a network-based supply chain, and that managing assets includes optimizing the use of service provider assets and manufacturer assets and

providing maintenance and service of service provider assets and manufacturer assets. The cited references only disclose serving parties to a supply chain and automating transaction space within a supply chain. Applicant's asset management services provide more than supply chain services and automation of transaction space. A service provider or a manufacturer may use Applicant's claimed invention to specifically seek out a party to perform specific tasks within the management of supply chain activities, such as asset management including optimization, maintenance and service. This element is not disclosed by any of the cited references. Accordingly, none of the cited references teach these features of Applicant's amended claims.

Regarding the Examiner's statements concerning the motivation to combine *Webber*, *Agre* and *Walker* to produce the claimed invention, Applicant notes that *Webber* provides a method and system for digital automation of a transaction space. *Agre* provides a mobile telephone system for performing position-based call processing. *Walker* provides systems and methods for acquiring products at different prices at various times in a transaction. Neither *Webber*, *Agre* or *Walker* are related to supply chain/workflow services within a contract manufacturing framework as described in Applicant's claims. Applicant submits that it is therefore improper to combine the three references to produce an invention within a contract manufacturing framework. Under *In Re Lee*, 61 USPQ2d 1430, there must be evidence of the showing of a suggestion, teaching or motivation to combine the state of the art including what might be considered basic knowledge or common sense to combine or modify references. The cited references involve fields that are unrelated to each other, and there is no suggestion in either of the references cited by the Examiner that they can be combined to produce supply chain/workflow services within a contract manufacturing framework as taught by Applicant's invention.

Because not every element of every claim (as amended) is taught by the reference, and because there is no motivation to combine the references to produce supply chain/workflow services within a contract manufacturing framework, the Examiner's § 103 rejections are unsupported by the art and should be withdrawn.

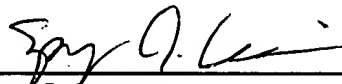
## **B. Conclusion**

Applicant submits that all pending claims are allowable and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 310-788-5055. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees, including fees for any extension of time, to

Deposit Account No. 50-1901 (reference 60021-358201).

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Respectfully submitted,



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## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

### **IN THE TITLE**

Please replace the current title with the following:

--SUPPLY CHAIN/WORKFLOW SERVICES IN A CONTROL MANUFACTURING FRAMEWORK--.

### **IN THE CLAIMS**

Please cancel claims 1-18 without prejudice or disclaimer.

Please add new claims 19-36 as follows:

19. (Newly Added) A method for providing supply chain/workflow services in a contract manufacturing framework comprising:

providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein each service provider data structure includes a description of service provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;

identifying a particular data structure based on a request for proposal from a user utilizing the request for proposal mechanism, wherein the user may be a service provider or a manufacturer; and

affording network-based project management services to the user based on the request for proposal and the identified data structure, wherein affording project management services includes managing assets in a network-based supply chain, including optimizing use of service provider assets and manufacturer assets and providing maintenance and service of service provider assets and manufacturer assets.

20. (Newly Added) A method as recited in claim 19, further including the step of tracking a status of manufacturing processes performed by the identified service provider.

21. (Newly Added) A method as recited in claim 19, further including the step of allowing the user to inquiry service engineers.

22. (Newly Added) A method as recited in claim 19, further including the step of allowing the user to inquiry service chemists.

23. (Newly Added) A method as recited in claim 19, wherein the database is accessed utilizing a network.

24. (Newly Added) A method as recited in claim 23, wherein the network is the Internet.

25. (Newly Added) A computer program embodied on a computer readable medium for providing supply chain/workflow services in a contract manufacturing framework comprising:

a code segment for providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein each service provider data structure includes a description of service provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;

a code segment for identifying a particular data structure based on a request for proposal from a user utilizing the request for proposal mechanism, wherein the user may be a service provider or a manufacturer; and

a code segment for affording network-based project management services to the user based on the request for proposal and the identified data structure, wherein affording project management services includes managing assets in a network-based supply chain, including optimizing use of service provider assets and manufacturer assets and providing maintenance and service of service provider assets and manufacturer assets.

26. (Newly Added) A computer program as recited in claim 25, further including a code segment for tracking a status of manufacturing processes performed by the identified service provider.

27. (Newly Added) A computer program as recited in claim 25, further including a code segment for allowing the user to inquiry service engineers.

28. (Newly Added) A computer program as recited in claim 25, further including a code segment for allowing the user to inquiry service chemists.

29. (Newly Added) A computer program as recited in claim 25, wherein the database is accessed utilizing a network.

30. (Newly Added) A computer program as recited in claim 29, wherein the network is the Internet.

31. (Newly Added) A system for providing supply chain/workflow services in a contract manufacturing framework comprising:

logic for providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein each service provider data structure includes a description of service provided by a particular service provider, and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer;

logic for identifying a particular data structure based on a request for proposal from a user utilizing the request for proposal mechanism, wherein the user may be a service provider or a manufacturer; and

logic for affording network-based project management services to the user based on the request for proposal and the identified data structure, wherein affording project management services includes managing assets in a network-based supply chain, including optimizing use of service provider assets and manufacturer assets and providing maintenance and service of service provider assets and manufacturer assets.

32. (Newly Added) A system as recited in claim 31, further including logic for tracking a status of manufacturing processes performed by the identified service provider.

33. (Newly Added) A system as recited in claim 31, further including logic for allowing the user to inquiry service engineers.

34. (Newly Added) A system as recited in claim 31, further including logic for allowing the user to inquiry service chemists.

35. (Newly Added) A system as recited in claim 31, wherein the database is accessed utilizing a network.

36. (Newly Added) A system as recited in claim 35, wherein the network is the Internet.